

## AT THE DAVIS TRIAL

The Study of Penmanship Takes the Time of the Court.

## MR. STECKEL ON THE STAND

His Direct Examination Finished and Colonel Sanders Takes Him in Hand—What Mr. Jacques Knows about it.

BUTTE, Aug. 6.—Another day of the Davis trial case, and progress just as slow as has characterized the case since its advent in court. The usual number of spectators filled the room, and the small army of attorneys attentively listened to all there was to hear. As on previous days, for the defendant's side, Colonel Sanders did the principal part of the talking. As Myers testified, "the colonel is always before the court." Witnesses are arriving by the score. Many are kept in the back ground at Helena and other points, so that they will be close at hand when wanted. When order was called this morning all the attorneys were ready for work.

Mr. Myers had three documents containing the signature of Eddy, marked by the stenographer for reference the same as the letters presented yesterday. Mr. Steckel was called to the witness stand.

Myers—Mr. Steckel, I hand you three documents, marked by the stenographer, number 13 to 15 inclusive, for the purpose of stating whether these are the documents on which you saw Mr. Eddy write? Objected to and sustained.

Myers—Have you ever seen Mr. Eddy write on any document not offered here? "Yes, sir." Mr. Myers states to the court he proposes that the court allow the witness to use the document, marked by the official stenographer, to show that the signatures on the will of Job Davis and James Davis were written by J. R. Eddy, and that J. R. Eddy wrote the body of the will. Objected to by defendants and objection sustained.

As an independent offer Mr. Myers offers to prove by the witness by the documents marked by the stenographer were written by J. R. Eddy, and asks that the papers be referred to the jury for the purpose of comparison with the will for the purpose to aid them to determine what weight to give the testimony of the witness on the stand, to show the similarity of spelling, formation of letters, the peculiarities of punctuation, in the use and formation of the character "d," and in the indiscriminate use of letters in different words, in the letters and documents, and for what other purposes the documents may be competent. "We shall not ask to have the substance of any of the documents considered by the jury only for the purpose named. Objected to and objection sustained.

As another independent offer, Mr. Myers proposed to establish that J. R. Eddy wrote each and all the documents marked by the stenographer, and proposes that the letters named be taken as evidence in the case. Objected to and objection sustained. Another proposition was made regarding the introduction of letter marked number 1, for the same purpose, and the same objection made. All papers marked were then offered and objection sustained, and exceptions taken.

Mr. Myers then proceeds to questioning the witness on the stand. Questions were asked regarding the formation of letters, which were answered by the witness. The court, on the grounds that the witness was on the stand for the purpose of proving a habit, and the question had no bearing on the matter.

Myers—Mr. Steckel, will you please answer for the inspection of the court the J. A. Eddy terms the final "d"? Objected to and sustained.

Myers—Please state the peculiarities of the writing of the name "Davis" by James R. Eddy, and the difference, if any, between the letters "d" as written and as written by Eddy, this from your knowledge. Mr. Myers explains to the court that this was for the purpose of proving that Eddy was the writer of the will. Sanders objects to the question; that the testimony would be a comparison. The objection was sustained.

Myers—Mr. Steckel, take the contested will and state who, in your opinion and your knowledge, wrote the word "Davis" in the first line thereof. Objected to on the ground of repetition and sustained.

Myers—Referring to the ninth line of the contested will, state who, in your knowledge wrote the word "zeuro" in that line. Objected to and sustained. A number of questions were asked regarding the witness' knowledge of who wrote certain words in the body of the will. Objections were made to each question, and objections sustained.

At this point a spirited tilt takes place between Mr. Myers and Colonel Sanders, in which the court interfered. Questions were asked the witness regarding his knowledge of the formation of different letters made by J. R. Eddy, and objections were made by the defendants, all of which were sustained. The plaintiff's attorneys stated they have no more questions to ask the witness and the defendants commence their cross-examination.

UNDER CROSS FIRE.

Colonel Sanders Takes the Witness in Hand for His Side.

Colonel Sanders questioned the witness regarding his age, business and the length of time he was engaged in the banking business, and who were the partners in the business. "What business does the Exchange bank engage in?" "General banking, buying and selling real estate and making loans."

"How many depositors have the bank?" "I do not exactly know; about 150 or 200."

"What do the deposits amount to?" "About \$25,000."

"How much of that amount is Eastern capital?" Objected to and objection overruled, and witness answers. "About one-third the amount."

"How many of your customers are of those who send you money from the East?" Objected to, overruled and witness answers. "A very few, perhaps a dozen."

"Now then, what is the amount of the capital stock of the Exchange bank?" Objected to by plaintiff's attorneys and sustained by the court.

"What is the amount of the capital of the bank?" Objected to and objection sustained.

"How many letters as an officer of that bank, how many letters a day do you receive?" "About eight or nine."

"How many signatures per day do you examine?" "From one to six."

"Is it less than six?" "Some days six or more and some days none."

"Can you come nearer to it by saying from one to six?" "From all classes of signatures the average will be about 12 per day."

"To what extent are they different signatures—new to you?" "There will probably be about 75 new signatures this year."

"Who assists you in the business of this bank?" "We have an clerk."

"Are these clerks engaged in the business of the bank or in the loan department?" "They act in both capacities."

"How much of the time are you absent from the bank?" "I can't state exactly."

"How many days in the year, about,

are you absent from the bank?" "About 25 days."

"How many times have you seen Mr. Eddy write; more than six?" "Yes, sir; more than six."

"Where did you see him first write?" "At our office."

"Where did you see him next?" "At the house of James Davis, deceased."

"Where the next?" "I believe it was at Bloomfield."

"How far from Bloomfield was the home of James Davis?" "About 14 miles."

"Where did you see him next write?" "I think at the house of James Davis."

"How many times have you seen him write besides these times?" "Two or three times."

"How many lines did you ever see Jas. R. Eddy write at a time?" "Six lines."

"Where about in Iowa did Eddy write the six lines?" "In our office."

"How many documents were these lines written on?" "Two."

"How many letters have you received from J. R. Eddy?" "About eight or ten."

"How many lines would those letters average?" "I can hardly tell, as I never counted the lines. I suppose the letters would average from 15 to 18 lines each."

Mr. Toole called the attention of the court to the practice of defendants' attorneys in their personal allusions to the attorneys of the other side, contending it would result in repartee which in time would become disagreeable. On this point Mr. Sanders addressed the court to some length.

"The statement you made, Mr. Steckel, was to the effect in your belief the will was written by J. R. Eddy?" "Yes, I believe I did."

"Do you want to qualify your statement?" "No, I do not."

"Mr. Steckel, you have testified that you know the habit of Mr. Eddy in certain phases of his handwriting, have you?" "Yes, sir."

"What is habit in your estimation?" "The usual way of a person doing things."

"What qualifies you to make statement regarding his habit?" Objected to and objection sustained.

"What portion of the letters from Eddy were received in 1888?" "I don't recollect as to the number."

"Do you know how many letters he wrote in the three years of your correspondence with him?" "I don't know."

"Do you know in what condition of mind he wrote, from personal observation?" "I do not know."

"You have spoken of peculiarities of handwriting, what do you know of the peculiarity of handwriting?" "I would consider anything different from the established standard of writing a peculiarity."

"Mr. Steckel, what do you say was the habit of Mr. Eddy, in writing, to the use of small 'e's' where capitals should be used?" "I stated he used capital 'e's' where he should have used small 'e's'."

"Now, do you know of anybody else who uses the capital 'e' where they should use a small 'e'?" "I do not."

"Can you give the rule which makes a small 'e' proper and a large 'E' improper?" "I know the rule I follow."

A controversy took place between the attorneys as to the modification of Mr. Myers' questions to the witness yesterday regarding Eddy's letters, and a copy of the stenographer's notes was referred to for the purpose of deciding the exact wording of the interrogations to the witness, the letters and documents, and for what other purposes the documents may be competent. "We shall not ask to have the substance of any of the documents considered by the jury only for the purpose named. Objected to and objection sustained.

Myers—Mr. Steckel, will you please answer for the inspection of the court the J. A. Eddy terms the final "d"? Objected to and sustained.

Myers—Please state the peculiarities of the writing of the name "Davis" by James R. Eddy, and the difference, if any, between the letters "d" as written and as written by Eddy, this from your knowledge. Mr. Myers explains to the court that this was for the purpose of proving that Eddy was the writer of the will. Sanders objects to the question; that the testimony would be a comparison. The objection was sustained.

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are you absent from the bank?" "About 25 days."

"How many times have you seen Mr. Eddy write; more than six?" "Yes, sir; more than six."

"Where did you see him first write?" "At our office."

"On a table in a room in the hotel." "Who showed them to you?" "No one in particular; they were on the table."

"Who was in the room?" "I can't exactly remember. Mr. Weaver was one."

"Was Mr. Carvahlo there?" "I think he was, but I have seen him so many times I can hardly separate the times."

The witness in answer to interrogations said that Mr. Ames, Mr. Myers and others were in the room. Colonel Sanders continues his questions. "Was Mr. Carvahlo pointing out these documents and the peculiarities contained in them?" "Not in particular."

"Were any opinions expressed on those papers?" "Yes, sir; there was some talk about them."

"Did you examine the paper?" "I did not, as I did not have any time on it."

"Did you examine the punctuation, the letters, etc., in the paper?" "I did not."

"What other time did you see the papers before last night?" "A few nights ago, in my father's room in the Owsley block."

"Were any others present besides your father?" "No, sir."

"Has Mr. Carvahlo shown you papers?" "Not especially, he may have given me a paper."

"When did you examine the will?" "First in the room across the hall."

"Who was present?" "The clerk, H. C. Evans, Mr. Root, my father, Mr. Carvahlo, he left before the examination of the will was ended—and perhaps a few more."

"What examination did you give the will?" "I read it through carefully, and then examined it with an eye glass."

"How long a time did you take in examining the will?" "About half an hour."

"Did any of the others examine the will?" "I think they did."

"Can you swear these other examinations of papers which you did not see Eddy write had nothing to do with your conclusions that Mr. Eddy wrote the will?" "I can. The examination of these papers had nothing to do with my conclusions."

"Mr. Steckel, how many times have you been in Butte before this time coming here?" "Never before."

"How much pay do you get for coming here?" "Ten dollars per day."

This concluded the cross-examination of Steckel, and he was excused from the stand.

JAMES DAVIS' WRITING.

He is a Lawyer and Has Seen the Davis Signature.

W. H. C. Jacques of Ottumwa, Iowa, was called to the stand. He stated that he is an attorney-at-law. He knew James Davis, and was his attorney, and did business for him during a period of nearly 12 years. He was questioned by Attorney Myers for the plaintiffs. He was asked in regard to letters he had received from James Davis, and was handed the will which is in question. His attention was called to the signatures by Mr. Myers.

Myers—State if you think that is the signature of James Davis. "I do not." The witness to some extent dwelt upon the character of the signature claimed to be that of James Davis, and showed in particular how the signature differed from Davis' writing—this from his memory of the writing in letters from James Davis.

"Do you know J. R. Eddy?" "I do not."

"When did you first meet him?" "I met him the first time I saw him."

"Have you received letters from him?" "Yes, sir; through the mails."

"Whose handwriting do you believe the will to be?" "I believe it is the handwriting of J. R. Eddy."

Here followed questions regarding Eddy's style of forming letters, also as to the spelling of words. The curves of the letter "d" as made by Eddy were described as also were the final letters "ll," the formation of the letter "d," and other letters. The questions were similar to those propounded to Mr. Steckel, the former witness.

Colonel Ingersoll, upon objection being made to the witness drawing for instruction by the jury the letter "d" as written by Eddy, contended that no words in the English language are capable of being employed by any person to describe satisfactorily the picture which he may have in his mind of a certain object. The objection of the defendants was sustained by the court, and exception taken by the plaintiffs' attorneys.

Colonel Ingersoll described the "d" of James Eddy? "I think I can," and the witness described Eddy's style of forming the character. The letters "p," "y," "g" were described minutely by the witness, also the use of the character "d" by Eddy.

"How confident are you that Mr. Eddy wrote the will?" "I believe it firmly myself."

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men resemble each other?" "It is just as hard for me to answer that as to tell the resemblance of the men."

"Is it not true that people instructed by the same teacher, in their writing bear a resemblance to each other?" "To some extent this may be true."

To a question regarding the style of writing of James Davis, the witness described Davis' style of signature and showed wherein the signature of James Davis differed from that alleged to be his signature attached to his will. At the hour of adjournment, cross-examination of the witness was not completed. Court adjourned until 10 o'clock a. m. to-morrow.

NELLIE KELLY'S MISERY.

She Says She's Been Badly Treated and She Wants a Divorce.

BUTTE, Aug. 6.—The usual daily filing of divorce proceedings was attended to in Department II. to-day by Nellie S. Kelly. She makes a complaint asking for a decree of divorce from her husband, John P. Kelly. The couple were married in Butte on April 28, 1887. They had in perfect happiness for four long weeks after the marriage, at the expiration of which time the defendant is said to have allowed his love for Nellie to grow cold, and in demonstration of that fact, is alleged to have called her vile names and subjected her to inhuman treatment. The plaintiff alleges that the names when her husband attached to her were so vile as to be unfit for publication. She swears that on July 5, 1888, her husband without any apparent cause told her that they would dissolve the life partnership which they had been foolish enough to make, and she could go to her people again. They, however, did not separate at the time, but continued to live, according to the plaintiff, in misery. About February 28, 1889, about six months before the birth of their child, which is now dead, the defendant is said to have told Nellie he would not live with her 24 hours if she did not expect to become a mother. The complaint says she assured her that he would sacrifice his right arm to get rid of her, saying he entertained no love or affection for her any more. Nellie requiring a new dress about November 23, 1888, asked John for money to purchase it. It was refused, she says, and she requested the cause of him using the approposities which she also alleges were unfit for publication. He also is said to have thrown a beer glass at her at the same time. Another time when she was ill the defendant is accused of shorting his fist up to her face and threatening to wring her nose off and spoil her facial beauty. On March 1 of last year John is said to have threatened to suffocate Nellie with a pillow, and for expostulating with him for coming home at 1 o'clock in the morning. The plaintiff now lives in Wayne county, Michigan. She says her husband is worth about \$75,000 here and collects a monthly rental of \$50. She asks that he be restrained from disposing of or encumbering his property also that he be compelled to pay the costs of the suit. As is customary she asks that the court fix the amount of alimony to which she is properly entitled.

A SMALL LLUNDER.

Butchers Accused of Slaughtering a Cow and a Steer.

BUTTE, Aug. 6.—G. O. Broderick, a butcher, filed complaint in Judge Eddy's court to-day against Joseph Saville, also a butcher, accusing him of the larceny of a cow and a steer. The accused was arrested and gave bonds for his appearance for preliminary hearing.

Saville admits taking the cattle, but disclaims any larcenous intent. He says he had a cow and a steer in a corral in which other cattle were confined, among them being some belonging to Broderick. He had bought two animals of the description given and not being certain which were his he drove away a couple which looked like those he bought and placed them in an adjoining enclosure and left notice, he says, of what he had done, so that in case a mistake had been made it could be rectified. Broderick denies Saville's statement and says the removal of the cattle was larceny pure and simple.

RUN OVER BY A HACK DRIVER.

Thomas Harper Narrowly Escapes Serious Injuries.

BUTTE, Aug. 6.—Thomas Harper, a well-known citizen, narrowly escaped death to-night on account of the recklessness of a hack driver. Mr. Harper was crossing Main street at the corner of Park when a hack suddenly swung around the corner, and before he could get out of the way the horses dashed against him and knocked him down. Both horses ran over him and two of the wheels grazed his body. When picked up Mr. Harper complained of internal pains and had to be assisted to his home. Broderick, deputy city clerk, by Officer Cantwell and Marshal Damm who arrested the driver. The latter gave his name as M. Butch and is employed by Lavell Bros.

"The Grab Bag."

BUTTE, Aug. 6.—William Mastayer and Theresa Vaughn will be the next attraction at Maguire's opera house, commencing an engagement on Monday next of three nights and Wednesday matinee, with their exceptionally strong company of comedians. Mastayer was the first to produce what has of late years become the rage musical farce comedy, "The Tourists," and "We, Us & Co." made him famous. And now comes "The Grab Bag," a satire on prohibition. Incidentally many amusing and original novelties are introduced. Miss Vaughn possesses a grand contralto voice, a lovely face and figure. Mastayer has a fund of humor, and the lamented Artemus Ward would have envied. What more could be desired in farce comedy.

Supposed to Be Thieves.

BUTTE, Aug. 6.—William Ross and James Morton were arrested and locked in the county jail to-day. Ross was arrested in South Butte, charged with petty larceny, and Morton was arrested on suspicion of having stolen a quantity of clothing which he tried to dispose of in a Park street saloon.

Letter heads, bill heads, job printing of every description neatly done at the STANDARD office.

RITCHIE'S COMIQUE

BUTTE CITY, MONTANA.

MONDAY EVENING, JULY, 27.

HARRY HARRY

MONTAGUE'S